

Senate Judiciary Committee Amendment No. 1 (by Williams)

Amendment No. 1 to SB2866

**Person
Signature of Sponsor**

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2866*

House Bill No. 2978

by deleting Section 1 of the printed bill and by substituting instead the following:

Tennessee Code Annotated, Section 40-23-114(a), is amended by deleting the words and punctuation "the court shall direct that the person be put to death by electrocution, and that the body be subjected to shock by a sufficient current of electricity until dead." and by substituting instead the following:

the method for carrying out this sentence shall be by lethal injection.

AND FURTHER AMEND by inserting the following new section immediately after Section 1 of the printed bill and by renumbering the subsequent sections accordingly:

SECTION _____. Tennessee Code Annotated, Section 40-23-114(b), is amended by deleting the words "the court shall direct that the person be put to death" and by substituting instead the words "the method for carrying out this sentence shall be".

AND FURTHER AMEND by deleting the language of Section 3 of the printed bill and by substituting instead the following:

Tennessee Code Annotated, Section 40-23-114, is amended by deleting subsection (c) and by substituting instead the following:

(c) Any person who commits an offense prior to January 1, 1999, for which such person is sentenced to the punishment of death may elect to be executed by electrocution by signing a written waiver waiving the right to be executed by lethal injection.

AND FURTHER AMEND by deleting the language of Section 4 of the printed bill and by substituting instead the following:

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Tennessee Code Annotated, Section 40-23-114, is amended by deleting subsection (e) and by substituting instead the following:

(e) If lethal injection or electrocution is held to be unconstitutional by the Tennessee Supreme Court under the State Constitution, or is held to be unconstitutional by the United States Supreme Court under the United States Constitution, or if the United States Supreme Court declines to review any judgment holding lethal injection or electrocution to be unconstitutional under the United States Constitution made by the Tennessee Supreme Court or the United States Court of Appeals that has jurisdiction over Tennessee, or if the Tennessee Supreme court declines to review any judgment by the Tennessee Court of Criminal Appeals holding lethal injection or electrocution to be unconstitutional under the United States or Tennessee Constitutions, then all persons sentenced to death for a capital crime shall be executed by any constitutional method of execution. No sentence of death shall be reduced as a result of a determination that a method of execution is declared unconstitutional under the State Constitution or the Constitution of the United States. In any case in which an execution method is declared unconstitutional, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method of execution.

AND FUTHER AMEND by inserting the following new sections immediately after Section 4 of the printed bill and by renumbering the subsequent sections accordingly:

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SECTION __. Any provision of this act, or the application thereof, which is inconsistent with federal law, rule or regulation shall be deemed to be construed as being consistent with federal law, rule or regulation.

SECTION __. If any provision of this act, or the application thereof, to any person, entity, or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.